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1/16/24 – By ECF

Hon. Philip Halpern, Judge  
United States District Court – SDNY  
300 Quarropas Street  
White Plains, NY 10601

Application granted. The Order of Automatic Referral to Mediation is vacated. (Doc. 12).

SO ORDERED.

  
Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
January 17, 2024

Re: **Bowman v. Dutchess CC, 23 cv 08482 (PMH)**

Dear Judge Halpern,

I represent plaintiff in this employment discrimination case.

Per standard protocol, upon defendant filing its Answer, this matter was referred for mandatory mediation. The volunteer mediator held a pre-mediation conference and thereafter advised me that defendant has a “no pay” position and is agreeable to request that Your Honor allow us to opt out of mandatory mediation.

Accordingly, I am requesting that this matter be opted out of the mandatory mediation with the understanding that as we proceed with discovery, counsel for the parties will confer and determine whether this position has changed, giving us the possibility of resolving the matter.

While I understand the purposes of the mediation program, I think it is unreasonable to ask a volunteer mediator and counsel to expend considerable time on the process after it is clear that we cannot reach an agreement.

Thank you for your consideration,

  
Michael H. Sussman

cc: Mr. Bernstein for defendant Dutchess Community College